

BOARD MEETING DATE: July 10, 2015

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the June 5, 2015 meeting.

RECOMMENDED ACTION:

Approve Minutes of the June 5, 2015 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, JUNE 5, 2015

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. Members present:

William A. Burke, Ed.D., Chairman
Speaker of the Assembly Appointee

Mayor Dennis R. Yates, Vice Chairman
Cities of San Bernardino County

Mayor Michael D. Antonovich (arrived at 9:25 a.m.)
County of Los Angeles

Supervisor John J. Benoit
County of Riverside

Councilmember Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Dr. Joseph K. Lyou
Governor's Appointee

Councilmember Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (arrived at 9:30 a.m.)
County of Orange

Dr. Clark E. Parker, Sr.
Senate Rules Committee Appointee

Mayor Miguel A. Pulido (left at 10:00 a.m.)
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members absent:

Mayor Ben Benoit
Cities of Riverside County

Councilmember Joe Buscaino
City of Los Angeles

CALL TO ORDER: Chairman Burke called the meeting to order at 9:00 a.m.

- Pledge of Allegiance: Led by Dr. Lyou.
- Opening Comments

Dr. Wallerstein. Noted that the 2016 AQMP Control Strategy Symposium will be held on June 10 and 11, 2016 at District Headquarters. He added that representatives from CARB and SCAG will be present at the event.

CONSENT CALENDAR

1. Approve Minutes of May 1, 2015 Board Meeting
2. Set Public Hearing September 4, 2015 to Amend Rule 1156 – Further Emission Reductions from Cement Manufacturing Facilities

Budget/Fiscal Impact

3. Execute Contracts to Develop and Demonstrate Class 8 Plug-In Hybrid Electric Drayage Trucks and Amend Contract to Integrate On-Board Chargers 
4. Implement Programs in Clean Communities Pilot Study Communities under U.S. EPA Targeted Air Shed Grant
5. Issue RFP to Sell Equipment Dismantled under SCAQMD Incentive Programs to Generate Revenue for Additional Incentive Projects and Execute Contract under SOON Provision
6. Issue RFP for Refurbishment of Pace Air Handlers at SCAQMD Headquarters
7. Approve Transfer of Monies from Health Effects Research Fund to Brain & Lung Tumor and Air Pollution Foundation and Authorize Solicitation and Potential Funding of Proposals
8. Execute Sole-Source Contract for Three-Year Service Agreement for SCAQMD Access to On-line Legal Research Libraries

9. Approve Contract Awards Approved by MSRC

Action Item/No Fiscal Impact

10. Withdrawal of South Coast Air Basin Transportation Conformity SIP Submittal

Items 11 through 17 - Information Only/Receive and File

11. Legislative and Public Affairs Report
12. Hearing Board Report
13. Civil Filings and Civil Penalties Report
14. Lead Agency Projects and Environmental Documents Received by SCAQMD
15. Rule and Control Measure Forecast
16. Report of RFPs Scheduled for Release in June
17. Status Report on Major Projects for Information Management Scheduled to Start During Last Six Months of FY 2014-15

Dr. Lyou announced his abstention on Item No. 3 because Transportation Power Incorporated and Port of Long Beach are potential sources of income to him, on Item No. 4 because Southern California Gas Company is a potential source of income to him, and on Item No. 9 because Los Angeles County Metropolitan Transportation Authority is a potential source of income to him.

Mayor Pulido announced that he serves on the Board of Directors for the Orange County Transportation Authority which is involved with Item No. 9.

Agenda Item 4 was withheld for comment and discussion.

MOVED BY J. BENOIT, SECONDED BY
PULIDO, AGENDA ITEMS 1 THROUGH 3
AND 5 THROUGH 17 APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: J. Benoit, Burke, Cacciotti, Lyou
(*except Items #3 and #9*),
Mitchell, Parker, Pulido,
Rutherford and Yates.

NOES: None.

ABSTAIN: Lyou (*Items #3 and #9 only*).

ABSENT: Antonovich, B. Benoit, Buscaino
and Nelson.

18. Items Deferred from Consent Calendar

4. Implement Programs in Clean Communities Pilot Study Communities under U.S. EPA Targeted Air Shed Grant

Dr. Lyou left the room during discussion of Item No. 4.

Lou Calance, Legacy LA, addressed the Board on Item 4 explaining that her organization serves the youth of the Ramona Gardens Community in Boyle Heights and addresses the environmental justice issues that those residents face. She introduced Michelle Benavides and Jackie Rodriguez who are youth leaders for the organization. They explained that the community is comprised of low-income residents and they face high rates of respiratory illnesses. One of their main concerns is the location of schools in close proximity to commercial businesses, freeways and railroad tracks. They expressed appreciation that their meeting with staff to propose air filters be installed in a local school is being considered by the Board; and urged for the funding of additional air filters and other measures to clean the air that children and youth in Boyle Heights are exposed to.

MOVED BY J. BENOIT, SECONDED BY
PARKER, AGENDA ITEM 4 APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: J. Benoit, Burke, Cacciotti,
Mitchell, Parker, Rutherford and
Yates.

NOES: None.

ABSTAIN: Lyou.

ABSENT: Antonovich, B. Benoit, Buscaino,
Nelson and Pulido.

BOARD CALENDAR

19. Administrative Committee

20. Legislative Committee

21. Mobile Source Committee

22. Stationary Source Committee

Dr. Tom Williams, Citizens Coalition for a Safe Community, addressed the Board on Items 21 and 22. He commented on the SR 710 requesting that as staff review the project's EIR that they address whether it will be considered a mobile or stationary source and under what rules and regulations it will be subject to.

In response to Dr. Lyou's request for staff's input into the classification of the tunnel exhaust vents, Barbara Baird, Chief Deputy Counsel, replied that further research is required before a definitive position as to the specific source can be taken.

23. Technology Committee

24. Mobile Source Air Pollution Reduction Review Committee

25. California Air Resources Board Monthly Report

26. California Fuel Cell Partnership Executive Board Meeting Agenda and Quarterly Updates 

27. Potential Serious Area 24-Hour PM2.5 SIP for South Coast Air Basin

Dr. Tom Williams, Sierra Club, addressed the Board on Item 27 and questioned whether humidity or rainfall levels actually impact PM2.5 levels and encouraged staff to further address these claims in the reports.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEMS 19 THROUGH 27 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC, CARB AND CaFCP REPORTS, BY THE FOLLOWING VOTE:

AYES: J. Benoit, Burke, Cacciotti, Lyou, Mitchell, Parker, Rutherford and Yates.

NOES: None.

ABSENT: Antonovich, B. Benoit, Buscaino, Nelson and Pulido.

PUBLIC HEARINGS

28. Amend Rules 212, 1401, 1401.1 and 1402

Susan Nakamura, Director of Strategic Initiatives, gave the staff presentation.

(Supervisor Antonovich and Supervisor Nelson arrived at 9:25 a.m. and 9:30 a.m., respectively)

In response to questioning by Supervisor Rutherford and Supervisor Benoit regarding the notification requirements, Ms. Nakamura explained that under Rule 212, if an individual piece of equipment has an estimated cancer risk of over 1 in one million or facility wide over 10 in one million, the businesses are required to provide public notification at their expense.

The public hearing was opened and the following individual addressed the Board on Agenda Item 28.

BILL LAMARR, California Small Business Alliance

Expressed support for staff's changes to the initial proposal, which were based in part on input from the business community; and noted his willingness to continue to work collaboratively with staff in developing acceptable risk communication documentation for public notification purposes, incentives for businesses who wish to take additional risk reduction measures and other outstanding elements involved with these rules.

BILL QUINN, California Council for Environmental and Economic Balance

Expressed appreciation to staff for the conscientious effort that was made to address the concerns expressed by the business community and their commitment to continue working with stakeholders throughout the rule implementation process.

Supervisor Nelson noted how encouraging it is to hear the business community convey appreciation that a resolution was reached as a result of their input to staff being received and subsequently the Board providing guidance to staff to develop the rule.

DAVID PETTIT, NRDC

Noted the importance of the careful drafting of the public notifications to emphasize that the actual emissions have not increased, instead that the method of calculating the health risk has changed.

DAVID ROTHBART, Southern California Alliance of Publicly Owned Treatment Works

Expressed concern that the new health risk calculation methodology will not reflect the good faith efforts operators of publicly owned facilities have made to reduce emissions; and urged for the establishment of a voluntary risk reduction program to provide an incentive for early and additional reductions beyond what is required under Rule 1402.

CURTIS COLEMAN, Southern California Air Quality Alliance

Noted his support for the implementation of the amended rules to comply with the new guidelines; and expressed concern with some instances, noting two cases, where companies were required to use older emission data that would result in a higher health risk on their HRAs. He stressed the importance of utilizing the same method for all businesses to ensure fairness.

Dr. Wallerstein suggested that he meet with Mr. Coleman to discuss the two specific instances in which historical data was used to calculate the risk, and then staff could subsequently provide a report to the Stationary Source Committee.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, explained that under the AB2588 program, facilities typically utilize the data from their quadrennial emissions report for their health risk assessment. He added that there are some instances where historical emissions data is used to provide an accurate account of the long term exposure levels to the surrounding community.

Dr. Wallerstein noted that if there is a discrepancy between the source test data and ambient monitoring results, additional data will be used in the HRA to ensure that the impact to the community is not being significantly underestimated.

Dr. Lyou stressed the importance of utilizing the most accurate emissions inventory possible; and requested that staff prepare a report to the Stationary Source Committee of how this will be achieved.

In response to Supervisor Nelson's inquiry into whether the historical data was clearly noted as such to delineate it from current emissions data, Dr. Wallerstein confirmed that the distinction is allowed to be made in the HRA.

JIM STEWART, Ph.D., Sierra Club

Expressed support for these rules that take the important step of including risk to children's health in health risk assessments.

ADRIAN MARTINEZ, Earthjustice

Noted his support for the staff proposal and the ability of staff to prepare the public notices in a manner that clearly communicates the changes; and requested that the Board provide guidance to staff on when the provision regarding gas stations and spray booths should be brought to the Board for consideration.

There being no further public testimony on this item, the public hearing was closed.

In response to Supervisor Benoit's inquiry into why the South Coast region is still ranked highest in terms of health risk, Ms. Nakamura noted that this can be attributed to both mobile and stationary sources as a result of the widespread urban development and highly industrial areas throughout the air basin.

MOVED BY CACCIOTTI, SECONDED BY
LYOU, AGENDA ITEM NO. 28 APPROVED
AS RECOMMENDED BY STAFF:

- 1) ADOPTING RESOLUTION NO. 15-14, CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR AMENDED RULES AND AMENDING RULES 1401, 1401.1, 1402, AND 212, WITH THE ADDITIONAL DIRECTION FOR STAFF TO PROVIDE A REPORT TO THE STATIONARY SOURCE COMMITTEE REGARDING THE USE OF HISTORICAL DATA IN HEALTH RISK ASSESSMENTS IN CERTAIN CIRCUMSTANCES; AND
- 2) RECEIVING AND FILING THE SCAQMD RISK ASSESSMENT PROCEDURES FOR RULES 1401, 1401.1, AND 212 (VERSION 8.0), SCAQMD SUPPLEMENTAL GUIDELINES FOR PREPARING RISK ASSESSMENTS FOR THE AIR TOXICS "HOT SPOTS" INFORMATION AND ASESMENT ACT (JUNE 5, 2015), AND

SCAQMD FACILITY PRIORITIZATION
PROCEDURES FOR AB2588 PROGRAM
(JUNE 2015).

BY THE FOLLOWING VOTE:

AYES: Antonovich, J. Benoit, Burke,
Cacciotti, Lyou, Mitchell, Nelson,
Parker, Pulido, Rutherford and
Yates.

NOES: None.

ABSENT: B. Benoit and Buscaino.

29. Amend Rule 1148.1 – Oil and Gas Production Wells
30. Amend Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers

Staff recommended that the public hearings on items 29 and 30 be continued to the July 10, 2015 Board Meeting.

MOVED BY NELSON, SECONDED BY
CACCIOTTI, and UNANIMOUSLY CARRIED
(Absent: B. Benoit & Buscaino), AGENDA ITEMS
29 AND 30 WERE CONTINUED TO THE
JULY 10, 2015 BOARD MEETING.

(Mayor Pulido left at 10:00 a.m.)

OTHER BUSINESS

31. Approve Three-Year Labor Agreement with South Coast Professional Employees Association

William Johnson, Assistant/DEO Administrative and Human Resources, explained that the ratified agreement for the Professional bargaining group, represented by the South Coast Professional Employees Association, is consistent with Board direction and changes made to the MOUs for the Teamster-represented employees that was approved in December 2014.

MOVED BY YATES, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 31 APPROVED AS RECOMMENDED BY STAFF, AUTHORIZING THE EXECUTIVE OFFICER TO SIGN THE RATIFIED THREE-YEAR AGREEMENT FOR A SUCCESSOR 2015-2017 SOUTH COAST PROFESSIONAL EMPLOYEES ASSOCIATION MOU, REPRESENTING THE PROFESSIONAL BARGAINING UNIT EMPLOYEES, BY THE FOLLOWING VOTE:

AYES: Antonovich, J. Benoit, Burke, Cacciotti, Lyou, Mitchell, Nelson, Parker, Rutherford and Yates.

NOES: None.

ABSENT: B. Benoit, Buscaino and Pulido.

PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

Dr. Tom Williams, Sierra Club Transportation Committee and Citizens Coalition for a Safe Community, urged staff to provide substantive comments to the EIR opposing the 710 tunnel vent project and expressed a desire for the project to be replaced with other solutions that will alleviate truck traffic, such as more rail transportation.

CLOSED SESSION

The Board recessed to closed session at 10:05 a.m., pursuant to Government Code sections 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party, as follows:

People of the State of California, ex rel SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;

In the Matter of SCAQMD v. Exide Technologies, Inc., SCAQMD Hearing Board Case No. 3151-29 (Order for Abatement);

Exide Technologies, Inc., Petition for Variance, SCAQMD Hearing Board Case No. 3151-31; and

In re: Exide Technologies, Inc., U.S. Bankruptcy Court for the District of Delaware Case No. 13-11482 (KJC) (Bankruptcy case).

Following closed session, General Counsel Kurt Wiese announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board and made available upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned, at the request of Chairman Burke, at 10:45 a.m., in honor of Joseph Calhoun, former Board Member of the California Air Resources Board and SCAQMD's Clean Fuels Program Advisory Committee.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on June 5, 2015.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

- AQMP = Air Quality Management Plan
- CaFCP= California Fuel Cell Partnership
- CARB = California Air Resources Board
- EIR = Environmental Impact Report
- FY = Fiscal Year
- HRA = Health Risk Assessment
- MSRC = Mobile Source (Air Pollution Reduction) Review Committee
- PM2.5 = Particulate Matter \leq 2.5 microns
- RFP = Request for Proposals
- SCAG = Southern California Associated Governments
- SIP = State Implementation Plan